

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER PAUL ST. JOHN,

Defendant-Appellant.

UNPUBLISHED

May 17, 2005

No. 252181

Oceana Circuit Court

LC No. 03-003684-FH

Before: Murphy, P.J., and White and Smolenski, JJ.

PER CURIAM.

Defendant appeals as of right from his jury conviction of accosting, enticing, or soliciting a child for immoral purpose, MCL 750.145a. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that the trial court erred when it refused to grant his motion for a directed verdict. We disagree.

When reviewing a trial court's decision on a motion for directed verdict,¹ this Court examines the record de novo to determine whether the evidence presented by the prosecution, viewed in a light most favorable to the prosecution, could convince a rational trier of fact that the essential elements of the charged offense were proved beyond a reasonable doubt. *People v Aldrich*, 246 Mich App 101, 122; 631 NW2d 67 (2001). Circumstantial evidence and reasonable inferences drawn therefrom may be sufficient to prove the elements of the offense. *People v Schultz*, 246 Mich App 695, 702; 635 NW2d 491 (2001). Minimal circumstantial evidence is sufficient to prove intent. *People v Strong*, 143 Mich App 442, 452; 372 NW2d 335 (1985).

¹ Defendant moved for a directed verdict both at the close of the prosecution's proofs and at the close of all proofs. On each occasion, the trial court reserved decision on the motion, and then denied the motion prior to imposing sentence. The trial court erred by reserving decision on the motion made following the close of the prosecution's proofs. MCR 6.419(A). However, because the prosecution had presented sufficient proofs to convict defendant, the delay was harmless. *People v Higgs*, 209 Mich App 306, 307; 530 NW2d 182 (1995).

In reviewing a sufficiency of the evidence question, we view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proven beyond a reasonable doubt. We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Bulls*, 262 Mich App 618, 623; 687 NW2d 159 (2004); *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002). A trier of fact may make reasonable inferences from direct or circumstantial evidence in the record. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

Any person who accosts, entices, or solicits a child under the age of sixteen, regardless of whether the person knows the actual age of the child, with intent to induce or force the child to commit an immoral act, or to submit to an act of sexual intercourse, or an act of gross indecency, or any other act of depravity or delinquency, is guilty of a felony. MCL 750.145a. Contrary to defendant's assertion, the prosecutor was not required to prove that defendant expressly suggested or requested that complainant engage in an immoral act. The prosecutor only needed to prove that defendant accosted, enticed, or solicited complainant, and that he did so with the intent of inducing or forcing her to engage in one of the specified acts.

The evidence presented to the jury showed that defendant, who had been told by complainant's cousin that complainant was fifteen years old, made telephone calls to schools and complainant's parents' homes in an effort to contact complainant. Several hang-up calls were received at complainant's parents' homes. When defendant finally spoke with complainant, he gave her a false name and falsely represented that they had met recently. When defendant arrived at the appointed meeting place, a gas station, he parked his vehicle around the corner, even though numerous spaces were available at the station. Furthermore, defendant repeatedly solicited complainant to leave the station with him and go somewhere to "party." He also attempted to purchase alcohol prior to speaking with complainant, and his vehicle contained a camera, blankets, Viagra, marijuana, and knives. This evidence supported an inference that defendant made contact with the complainant with the intention to persuade her to leave the station with him, and thereafter entice or force her to engage in activities such as sexual intercourse or smoking marijuana. Consequently, the evidence, viewed in a light most favorable to the prosecution, was sufficient to support defendant's conviction and the trial court properly denied defendant's motion for a directed verdict.

Affirmed.

/s/ William B. Murphy
/s/ Helene N. White
/s/ Michael R. Smolenski